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EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 20th November, 1987:—

I

BILL No. XXXVII OF 1987

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in Thirty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1987.

Short
title

2. In article 276 of the Constitution,—

(a) in clause (2), for the words “shall not exceed two hundred and fifty rupees per annum” the words “shall not exceed one Thousand and five hundred rupees per annum” shall be substituted;

Amend-
ment of
article
276.

(b) in the proviso to clause (2), for the words “of which exceeded two hundred and fifty rupees per annum,” the words “of which exceeded one Thousand and five hundred rupees per annum,” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

To provide adequate financial resources for the important programmes, such as employment guarantee, dole to unemployed, the State Governments may levy a profession tax. There is, however, a maximum limit on profession tax. This limit is prescribed in article 276(2) of the Constitution and is Rs. 250 per person per year. This ceiling was fixed 37 years ago. Considering the erosion in the value of the rupee, a suitably revised higher ceiling is justified.

Hence, this Bill,

BAPU KALDATE.

II

BILL No. XL OF 1987

A Bill to provide for declaration and public scrutiny of assets by citizens and for matters connected therewith.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Declaration and Public Scrutiny of Assets of Citizens Act, 1987.

Short
title,
extent
and
com-
mence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Defi-
nitions.

(a) “appropriate authority” means the local authority under whose jurisdiction a citizen is living and filing a return under section 3;

(b) “asset” means and includes all properties, both movable and immovable, held legally by an individual or by any member of his family or in *benami*;

(c) "return" means the inventory of assets submitted to the appropriate authority.

Submis-
sion of
annual
returns.

3. Every citizen having any assets shall submit to the appropriate authority, a return of all assets possessed by him and/or his family members within first three months of every calendar year.

Returns
to in-
clude
the
reasons
for in-
crease in
assets.

4. Every citizen, in his annual return submitted to the appropriate authority under section 3, shall state the reasons for increase, if any, in the assets and the sources thereof, while filing the next annual return.

Availa-
bility of
returns
to the
public.

5. The appropriate authority shall make a list of all returns filed with it and make available to any member of public a copy of the return submitted by any citizen under its jurisdiction, on payment of a fee to be prescribed by the appropriate authority.

Penalty
for
non-sub-
mission of
returns.

6. If any citizen having any assets fails to submit the return to the appropriate authority, he shall be punished with an imprisonment for six months and with a fine of rupees one hundred.

Penalty
for
false
declara-
tion.

7. If any return filed by a citizen is proved to be false, he shall be liable to perjury and be punishable under section 193 of the Indian Penal Code.

STATEMENT OF OBJECTS AND REASONS

Corruption has been corroding the moral fibre of the nation. To root out corruption from the very source, it is proposed that all citizens having assets in the country shall submit a list of assets, possessed by them, to the authorities concerned, every year. The Bill will go a long way to ensure a corruptionless society.

The Bill seeks to achieve this objective.

BAPU KALDATE.

III

BILL NO. XLIII OF 1987

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Short title
and com-
mence-
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 1987.

(2) It shall come into force—

(i) in the Union Territories within a period of six months from the date on which it received the assent of the President; and

(ii) in the States on such date as a State Government may, by notification in the Official Gazette, appoint.

2. After article 23 of the Constitution, the following new articles shall be inserted, namely:—

Insertion of new articles 23A, 23B and 23C.

"23A. (1) All citizens shall have the right to work and shall be entitled to adequate means of livelihood.

Right to work and unemployment allowance.

(2) Every Citizen, who fails to procure such means as are referred to in clause (1) shall be entitled to an unemployment allowance.

23B. All children until they complete the age of fourteen years shall have the right to free education.

Right to free and compulsory education.

23C. The State shall provide monetary assistance to every citizen, who has completed the age of sixty years or who remains sick or who is permanently incapacitated or disabled; and has nothing to support himself."

Monetary assistance to old, sick and disabled.

STATEMENT OF OBJECTS AND REASONS

Article 39 of the Constitution states among other things "The State shall, in particular, direct its policy towards securing— (a) that the citizens, men and women equally, have the right to an adequate means of livelihood". Article 41 of the Constitution enjoins upon the State to make effective provision for securing the right to work, to education and to public assistance in case of unemployment, old age, sickness and disablement. Similarly, article 45 of the Constitution enjoins upon the State to provide for free and compulsory education for all children until they complete the age of fourteen years.

But these rights are only in the nature of Directive Principles of States policy. They are not justiciable and there is no legal sanction behind them. The focal point of the State activity, in the economic sphere, ought to be the achievement of these objectives. Whereas enough lip sympathy has been showered on those who remain unemployed, the measures taken to combat unemployment have proved to be far from being effective. Employment should be everyone's birthright in Swaraj. Nothing can shake our peoples' faith in the democratic system more than the nation's failure to provide employment to all able bodied citizens. Failing this, the minimum the State should do is to provide for unemployment insurance.

The State cannot by its neglect, inaction or omission allow the dilution or diminution of Directive Principles which it has been directed to preserve and not to infringe.

The Bill seeks to include what is contained in articles 39, 41 and 45 in the Fundamental Rights so as to clothe them with legal sanction.

BAPU KALDATE.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for adequate means of livelihood, failing to procure such means of livelihood, every citizen shall be entitled to an unemployment allowance. Besides, assistance is to be given to every citizen who has completed the age of sixty years or who remains sick or is permanently incapacitated or disabled and has nothing to fall back upon and is unable to fend for himself. There are 9.33 million job seekers on the live register of Employment Exchanges. According to the statistics, 5.2 per cent of the population of our country is aged 60 years and over.

There is, therefore, a need for the provision of expenditure on these accounts. The total estimated expenditure on the unemployment allowance will come to about Rs. 400 crores annually. The expenditure over the assistance to be provided to the old citizens in their bad days is estimated to be Rs. 150 crores. So far as the provision for free education to the children who are below the age of fourteen is concerned, although the education is the responsibility of the States, the Central Government will have to make some grants towards this to assist the States in these programmes. Such expenditure is estimated to be Rs. 50 crores.

There is no non-recurring expenditure involved in the Bill. It is, however, not possible to give precise details of the total expenditure involved at this stage.

SUDARSHAN AGARWAL,
Secretary-General.

